

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	JUDGE COAR	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 5639	DATE	10/16/2001
CASE TITLE	Mary C. Krebs vs. Carl W. Jacobs, Sam Jacobs, Doris Jacobs, William Fields, and William Parkhurst		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Plaintiff's pro se complaint alleging a fraudulent interstate marriage and the mishandling of her case in Kane County

DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input checked="" type="checkbox"/>	This case is dismissed with prejudice
(10)	<input checked="" type="checkbox"/>	[Other docket entry] For the reasons set forth in the attached Memorandum Opinion and Order, Plaintiff's pro se complaint is dismissed without notice for lack of federal jurisdiction and failure to state a claim upon which relief may be granted. Plaintiff's application to proceed in forma pauperis [3] is granted. Plaintiff's motion for appointment of counsel [4] is denied as moot.
(11)	<input type="checkbox"/>	[For further detail see order (on reverse side of/attached to) the original minute order.]

David J. Coar

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input checked="" type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	klb (lc)	courtroom deputy's initials	Date/time received in central Clerk's Office	number of notices	Document Number
				OCT 23 2001 date docketed	
				docketing deputy initials	
				date mailed notice	
				mailing deputy initials	

49

FILED FOR DOCKETING

OCT 23 AM 9:07

-1-

In Rooker v. Fidelity Trust Co., 263 U.S. 413, 68 L. Ed. 362, 44 S. Ct. 149 (1923), the Supreme Court held that federal district courts lack jurisdiction to "entertain a proceeding to reverse or modify" a state court judgment. Id. at 416. It is settled that except in rare instances not applicable here, only the United States Supreme Court has the subject matter jurisdiction to review the judgments of state supreme courts. 28 U.S.C. § 1257; see Rooker, 263 U.S. at 416. The Supreme Court subsequently held that a district court has "no authority to review final judgments of a state court in judicial proceedings." District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 482, 75 L. Ed. 2d 206, 103 S. Ct. 1303 (1983).

The Court has indicated that the Rooker-Feldman doctrine provides that "a party losing in state court is barred from seeking what in substance would be appellate review of the state judgment in a United States district court ..." Johnson v. De Grandy, 512 U.S. 997, 1005-06, 129 L. Ed. 2d 775, 114 S. Ct. 2647 (1994). The two-part test of the Rooker-Feldman doctrine involves (1) whether the proceedings in state court were judicial proceedings; and (2) whether the federal claims are so "inextricably intertwined" with those proceedings so as to make review of the claims an impermissible review of state judicial proceedings. Leaf v. Supreme Court of Wisconsin, 979 F.2d 589, 597 (7th Cir. 1992), cert. denied, 508 U.S. 941, 124 L. Ed. 2d 639, 113 S. Ct. 2417 (1993).

II. Discussion

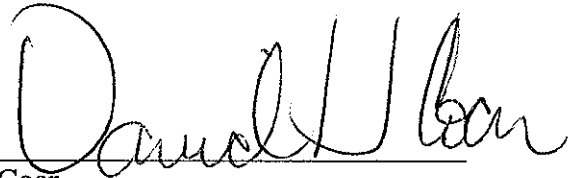
Plaintiff, Mary C. Krebs has filed a pro se complaint naming several defendants in the caption. In the body of the complaint she refers to only one of the named defendants, Carl W. Jacobs, who she claims was negligent and caused her to suffer damages in the amount of \$250,000. Attached to the complaint are numerous documents which Plaintiff apparently

believes substantiates her claim. It appears that Plaintiff believes that a fraudulent marriage certificate evidencing a marriage between Carl Jacobs and Mary Krebs led to a divorce proceeding, a custody award, visitation order, various reports and court orders. Without going into the content of those documents, it is clear that these matters have been litigated extensively in the Circuit Court of Kane County Illinois. Unhappy with the results there, Plaintiff attempts to revisit them in this Court. Under the Rooker-Feldman doctrine this is not appropriate. Plaintiff's remedy, if any, is with the state appellate courts.

Conclusion

For the foregoing reasons, Plaintiff's pro se complaint is dismissed without notice for lack of federal jurisdiction and failure to state a claim upon which relief may be granted.

Enter:

A handwritten signature in black ink, appearing to read "David H. Coar", written over a horizontal line.

David H. Coar
United States District Judge

Dated: OCT 16 2001